

OFFICE OF THE DIRECTOR
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Audits Office
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November 30, 2009

Ann Phelps, Staff Services Manager
Office of the District Attorney
County of Ventura, State of California
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File # A-40-1049

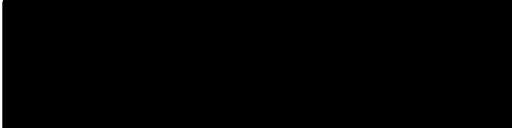
Dear Ms. Phelps,

The Department of Motor Vehicles' (DMV) Audits Office presents its final audit report of Office of the District Attorney, County of Ventura, State of California (VCDA) Government Requester Accounts. Please note that the attached report includes an excerpt of VCDA's response to our finding, as well as our response evaluation. We have included VCDA's response in its entirety as Exhibit 1 at the end of the report. However, it is summarized as follows:

- Inadequate/Lack of Documentation

At six months from the date of this report, we request that VCDA provide a written status on the corrective action planned/implemented for this finding.

We thank VCDA and its staff contacted during this review for their cooperation and courtesy extended to our auditors. If you have any questions regarding the audit or this report, please contact me at (916) 657-5828.


GRACE M. RULE-ALI, Manager
Information Systems-Requester Audit Section
Audits Office

Attachment

cc: George Valverde, Director, DMV
Matt Paulin, Acting Chief Deputy Director, DMV
Jerry McClain, Chief, Audits Office, DMV
Paulette Johnson, Chief, Information Security Officer, DMV
Jim Woodward, Chief, Information Services Branch, DMV
Tam Le, Manager, Policy and Information Privacy Section, DMV

FINAL AUDIT REPORT
OFFICE OF THE DISTRICT ATTORNEY

County of Ventura, State of California

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EXECUTIVE SUMMARY

The California Department of Motor Vehicles (DMV) Information Services Branch (ISB) operates an information requester program that allows external entities to access DMV records pursuant to applicable statutes of the California Vehicle Code (CVC) and California Code of Regulations (CCR) Title 13, Article 5 except as prohibited by CVC Section 1808.21. As an authorized DMV approved Government Requester Account holder, the Office of the District Attorney, County of Ventura (VCDA), has access to residence address information on California Driver License, Vehicle Registration, Occupational License, and Financial Responsibility. In accordance with its DMV Government Requester Account Application, VCDA is allowed to obtain California DMV information for its business needs.

CVC mandates that DMV protect the privacy rights of the public by releasing only certain information authorized by statutes. Statutes and regulations allow for businesses and individuals to access DMV records containing both confidential and non-confidential information, contingent upon approval of an application and compliance with the program requirements. DMV is dedicated in its mission of securing personal information for consumer protection. To meet our obligation of protecting the public and DMV information, we reviewed VCDA's compliance with the Government Requester Account Application and applicable California laws and regulations.

Our evaluation found that VCDA is approved for seven requester codes with manual access. Of the seven requester codes, four were included in the audit. One code was used by the Welfare Fraud Unit, and three were used by the Bureau of Investigation Unit.

The current security controls in effect at VCDA as of October 13, 2009, are sufficient to meet the security objectives of this audit, except as noted in the *Finding and Recommendation* section of this report. The finding is summarized as follows:

- Inadequate/Lack of Documentation

BACKGROUND

VCDA has been an authorized Government Requester Account Holder since 1990. VCDA was assigned seven manual requester codes with the following access to DMV information:

- Driver License – to gather evidence used in the investigation and prosecution of criminal cases
- Vehicle Registration – to gather evidence used in the investigation and prosecution of criminal cases
- Financial Responsibility – to gather evidence used in the investigation and prosecution of criminal cases
- Occupational License – to gather evidence used in the investigation and prosecution of criminal cases

VCDA obtains DMV information via telephone. DMV Law Enforcement unit returns the result via certified mail to VCDA.

OBJECTIVES, SCOPE, AND METHODOLOGY

The audit objectives were to verify compliance with the requirements of the Government Requester Account Application, as well as applicable statutes and regulations stated in the CVC and the CCR; and review the security procedures that the VCDA has in place to ensure the protection of DMV information. We conducted this audit in accordance with *Government Auditing Standards* promulgated by the United States General Accountability Office.

The audit was conducted to determine whether VCDA was in compliance with the applicable laws and regulations for the audit period, July 1, 2008 through June 30, 2009. The fieldwork was conducted at VCDA office in Ventura, California on October 13, 2009.

Our methodology included interviews with VCDA management and staff, physical observation of the VCDA facility and operations, review and verification of documentation, and testing to determine the levels of security and confidentiality over DMV information.

FINDING AND RECOMMENDATION

FINDING 1: Inadequate/Lack of Documentation

Condition: During the audit period July 1, 2007 through June 30, 2008, VCDA did not maintain adequate support documentation to show evidence of proper use of DMV information for three of six inquiries selected for testing.

Criteria: The Government Agency Requester Account Application and Agreement Part 11 Audit, (E) #1 states:

"Requester's documentation supporting the reason for inquiry, including but not limited to, transaction details, and computer software/programs maintained for the purposes defined in the agreement, shall be subject to inspection, review, or audit by Department or its designee for a period of two years from the date of the request."

The California Code of Regulations Section 350.50(a) states:

"Each requester code holder shall keep the records retained pursuant to Sections 350.48 and 350.18(b) (4) at the business address listed on the requester code holder's application for a requester code."

Recommendation: VCDA should develop policies and procedures to ensure all information requests are logged and supporting documentation is maintained to justify proper use of DMV information as required by the agreement between DMV and VCDA.

VCDA Response: "For the majority of the requests we were keeping a log. However, it was discovered that our Bureau of Investigation was not logging in there (*sic*) requests. We have created an Excel spreadsheet to track these requests in the future...The secretary will maintain the log and supporting documentation..."

DMV Evaluation: We concur with VCDA's corrective action plan. The procedure is in compliance with the Government Requester Account Application requirement.

CONCLUSION

VCDA operates a system and program that permit its authorized end users access to DMV information, and provides assurance that access to the information is appropriately controlled and monitored in accordance with the requirements of its Government Requester Account Application agreement. Accordingly, the mechanisms and controls in place to protect information received from DMV taken as a whole are sufficient and functioning properly to fulfill the program objectives.

However, because of inherent limitations in control systems, error or irregularities may occur and not be detected. Therefore, projection of any evaluation of systems to future periods is subject to risk because procedures may become inadequate due to changes in conditions, or degree of compliance with the procedures may deteriorate.



GRACE M. RULE-ALI, MANAGER
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Review Team:
Charlotte Chigbu, Auditor In Charge

EXHIBIT 1

OFFICE OF THE DISTRICT ATTORNEY
County of Ventura, State of California



OFFICE OF THE DISTRICT ATTORNEY

County of Ventura, State of California

GREGORY D. TOTTEN
District Attorney

JAMES D. ELLISON
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MICHAEL K. FRAWLEY
Chief Deputy District Attorney
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GREGORY W. BROSE
Chief Deputy District Attorney
Special Prosecutions

MICHAEL D. SCHWARTZ
Special Assistant District Attorney

ROBERT A. BRINER
Chief Investigator

November 25, 2009

Ms. Charlotte Chigbu
Department of Motor Vehicles
P.O. Box 932328 MS H-230
Sacramento, CA 94232-3280

Dear Ms. Chigbu:

This letter is to respond to the Exit Conference Summary of Findings dated October 22, 2009.

For the majority of the requests we were keeping a log. However, it was discovered that our Bureau of Investigation was not logging in there requests. We have created an Excel spreadsheet to track these requests in the future.

The investigators have been informed that any time they make a request to DMV they should advise the Bureau secretary of the request and the reason for the request, along with a case number. The secretary will maintain the log and supporting documentation, and has given me access for quick reference if and when audited.

Please advise if this new procedure is not sufficient. Thank you for your time and information. Please feel free to contact me at (805) 654-3005 if more information is required.

Very truly yours,

ANN PHELPS
Staff Services Manager

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